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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/154,965	09/17/98	REDING	C NYNEX27/CIP3

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WM01/0607

EXAMINER

DEANE JR, W

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 06/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/154,965	Applicant(s) REDING ET AL.	
	Examiner William J Deane	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5&amp;7</u> . | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities:

Specifically, at page 23, line 28, "327" should be 330.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4, 11 - 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,479,488 (Lennig et al.).

With respect to claim 1, Lennig et al teach a call processing method, comprising:  
Operating a telephone switch (31) to provide a call, requesting information, to an automated call processing device (14A) which is coupled (Fig. 2) to the switch (31) and wherein the call processing unit (14A) serves as an automated operator position and collects call related information (Col. 5, lines 32 – 39) and wear the call is switched to a second operator position (24) for further processing and where at least some of the collected data is transferred (forwarded) to the second operator (Col. 7, lines 29 – 33).

With respect to claim 2, note use of speech recognition in call processing unit (14A in Fig. 2 and see also Col. 5, lines 21 – 30).

With respect to claim 3, note Col. 6, line 35 and Col. 7, line 14.

With respect to claim 4, note use of lexicons (Col. 5, lines 54 – 61)

Claims 16 - 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,309,504 (Morganstein).

Morganstein teaches receiving a call from a switch (24), connecting the call to an automated call processing unit (30) connected to the switch; operating the automated call processing unit to perform a first database look-up using call information provided by the switch and providing the information from the first look-up to the caller (Col. 5, lines 45 – 55).

With respect to claim 17, note Col. 3, lines 48 – 55 and Col. 5, lines 45 – 55.

With respect to claim 18, note Col. 1, lines 29 – 35 and Col. 6, line 67 – Col. 7, line 31.

Claims 26 - 31 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Apuzzo et al.

With respect to claim 26, note switch (106), manned operator 108, note the switch transfers the call from the manned position to the automated operator position (112) and wherein the automated call processing device services the call (Abstract)

With respect to claim 27, note VMS 114 and Col. 3, lines 58 – 61.

With respect to claim 28, note search in the OSS database and note Fig. 4, steps 156 – 160).

With respect to claim 29, see ARU 112 (it is another operator compared to the manned operator.)

With respect to claim 30, such is inherent.

With respect to claim 31, note Col. 3, lines 47 - 50.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 – 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennig et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,309,504 (Morgenstein).

With regard to the first half of the claim 5, Lennig et al teach that it is well known to supply the second operator position with information from the look-up ( Col. 5, lines 29 – 31 and Col. 6, lines 10 – 18). However, Lennig et al do not teach the step of transmitting data from the automated device to the second operator position over a data link, that is separate from the switch, which couples the automated call processing device to the second operator position.

Morgenstein does teach such a step see Col. 13, line 47 – Col. 14, line 3). Note the automated device (30) being connected to the second operator 22 via data links 40 and 54 note these links are separate from the switch. If applicant contends only one link is contemplated by the present application, see Col. 7, lines 27 – 36. It would have been obvious to one of ordinary skill in the art to have provided the method of Lennig et

al with such a data link which bypasses the switch as taught by Morganstein in order to free up the switch for other duties.

With regard to claims 6 - 7 and 15 note that Morganstein, teach the transfer of data can be in response to a signal from the second operator (Col. 13, line 47 – Col. 14, line 3). It would have been obvious to one of ordinary skill in the art to have incorporated such a step as taught by Morganstein into the method of Lennig et al in order for a human operator to get information that was felt to be need to complete the service to the caller.

With respect to claim 8, note Col. 3, lines 25 – 29 of Lennig et al.

With respect to claims 9 – 10, see Col. 2, lines 29 – 30 and Col. 1, lines 44 – 47.

With respect to the removal silence, that is part of what happens when compression is performed, i.e., it is inherent.

Claims 19 – 20 and 22 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein in view of Lennig et al.

Morganstein teaches the claimed device as discussed above except that the receiving of a telephone number from the operator. Note that Lenning does such (Col. 7, lines 13 – 15). It would have been obvious to one of ordinary skill in the art to have the second look-up return a telephone listing as taught by Lennig et al in the steps of Morganstein as such would only entail the programming of the call processing unit of Morganstein to request a listing rather than an insurance policy number.

With respect to claim 22, Neither reference discloses the type of database look-up that is performed. However, it would have been obvious to one of ordinary skill in the art to have used any look-up method that was deemed necessary.

With respect to claim 23, note that both Morganstein and Lennig et al teach database look-ups for businesses like insurance Co. as discussed above and Lennig specifically teaches look-ups for businesses (Col. 7, line 19). Since a restaurant is a business, it would have been obvious to one of ordinary skill in the art to list restaurants in the business listings and as stated above – this would only entail an obvious programming change to the call processing unit of Morganstein.

With respect to claims 24 - 25, such is obvious after the discussion above. The use of text to speech in providing user prompts from text databases is well known and it is obvious that Morganstein and uses text to speech since it is a cost effective way to store system prompts. However, if this is not agreed see the 103 rejection below.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lennig et al. and Morgenstein as applied to claim 15 above, and further in view of U.S. Patent No. 5,901,209 (Tannenbaum).

The Lennig et al.-Morganstein combination does not specifically teach the use of text-to-speech. However Tannenbaum teaches such (Col. 6, lines 15 – 18 and Col. 10, lines 50 – 54). Therefore, it would have been obvious to one of ordinary skill in the art to have incorporated such text-to-speech as taught by Tannenbaum into the steps of the Lennig et al. combination in order to have a more cost effective system.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein in view of U.S. Patent No. 4, 907,247 (Nomura et al.).

Morganstein teaches the claimed device as discussed above, except for the ability to fax directions to a caller. However, note that Nomura et al teach such a limitation as claimed by applicant (see Abstract, Col. 24, lines 29 – Col. 25, line 7 and claim 5). It would have been obvious to one of ordinary skill in the art to have incorporated such a method as taught by Nomura et al into the Morganstein method as such would only entail the substitution or addition of well known databases.

Claim 32 rejected under 35 U.S.C. 103(a) as being unpatentable over D'Apuzzo et al. in view of Morganstein.

However, D'Apuzzo et al do not teach the step of transmitting data from the automated device to the second operator position over a data link, that is separate from the switch, which couples the automated call processing device to the second operator position.

Morgenstein does teach such a step see Col. 13, line 47 – Col. 14, line 3). Note the automated device (30) being connected to the second operator 22 via data links 40 and 54 note these links are separate from the switch. If applicant contends only one link is contemplated by the present application, see Col. 7, lines 27 – 36. It would have been obvious to one of ordinary skill in the art to have provided the method of D'Apuzzo



et al with such a data link which bypasses the switch as taught by Morganstein in order to free up the switch for other duties.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 5,995,929 (Gupta) – note speech recognition;

U.S. Patent No. 5,987,116 (Petrunka et al.) – note Figs; and

U.S. Patent No. 5,550,899 (Mcleod et al.) – note enhanced services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9314.

*29 May 01 w/s*

**WILLIAM J. DEANE, JR.  
PATENT EXAMINER**